



GOVERNMENT OF SIKKIM

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-cum- PRINCIPAL SECRETARY
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT

FOREST SECRETARIAT, DEORALI, GANGTOK-737 102 [PHONE: 281261 (O), 202590 (R) FAX: 03592 – 281778]

Ref. No. 109-112/FCA/FEWMD

Date...20.05.2015

To,
The Principal Chief Engineer-cum-Secretary,
Water Security & PHE Department,
Nirman Bhawan, Gangtok

Sub: **Diversion of 0.0126 Ha. of forest land for construction of 2 nos. zonal tank under Soreng RF for augmentation of Soreng Water Supply Scheme in West District of Sikkim by Water Security & PHE Department.**

Sir,

Reference your Letter No. WS&PHE/934/Gyal/09-10/144 dated 26.11.2013 and this office Letter No. 1533/FCA/FEWMD/568-70 dated 01.10.2014 regarding the subject matter cited above.

After careful examination of proposal in the light of the Rules/Guidelines framed under the Forest (Conservation) Act, 1980 and since the diversion of forest land being less than one hectare meant for public utility purposes on need basis, the instant proposal if found to be considerable as "Drinking Water Projects" under the General Approval and subsequent Guidelines conveyed by the Ministry of Environment, Forests & Climate Change, Government of India, New Delhi vide Letter No. 11-9/98-FC dated the 13th February 2014.

Accordingly, the State Government is pleased to accord the Stage-I (In-principle) approval in terms of the powers delegated by the Central Government under the General approval already been conveyed by the Ministry under Section 2 of the Forest (Conservation) Act, 1980, referred to above, for diversion of 0.0126 Ha. of forest land for construction of 2 nos. zonal tank uner Soreng RF for augmentation of Soreng Water Supply Scheme in West District of Sikkim by Water Security & PHE Department subject to compliance of the following conditions:-

- (1) The compensatory afforestation shall not be insisted upon in the instant proposal but plantation shall be raised using 100 numbers of site specific tree species in the blank patches identified by the concerned forest officer and maintained properly at project cost.
- (2) The User agency shall release the payment for ₹ 8,278.00 (Rupees eight thousand two hundred seventy eight) only towards the Net Present Value of the forest land to be diverted under the project, as per the Judgement Orders of the Hon'ble Supreme Court dated 28.03.2008/09-05-2008 in IA No. 566 WP (C) 202/1995 and subsequent Guidelines communicated by the Ministry in its Letter No. 5-3/2007-FC dated 05.02.2009.
- (3) At the time of making payment, the User agency shall furnish an undertaking to pay the additional amount of NPV, if any, becoming due after finalization by the Hon'ble Supreme Court.

- (4) The boundary of forest land to be diverted under the project shall be demarcated on the ground by using DGPS and erecting four feet high reinforcement cement concrete pillars super inscribed with serial numbers, back/front bearings and distance from pillar to pillar. Accordingly, a soft copy of Geo-reference in shape files shall be provided in this respect.
- (5) All the above funds recovered from the User agency under the project, shall be transferred through RTGS in the newly opened State-specific CAF account [SB 344902010105 432] with the Union Bank of India, Sundarnagar, New Delhi.
- (6) The User agency shall obtain the Environmental Clearance under the Environment (Protection) Act 1986, if applicable.
- (7) The User agency shall obtain the Forest clearance under the Forest (Conservation) Act 1980 for removal, if any, of stones, river sand river boulders in the forest land.
- (8) The User agency shall release the amount for ₹ 50,000.00 (Rupees fifty thousand) only for the support of the State Green Mission keeping in view of the forest conservation is concerned.
- (9) The Certificate shall be obtained from the respective District Collector towards the settlement of claims & rights over the proposed land as required under the Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.
- (10) As per the Ministry's Letter No. 11-30/96-FC (Pt) dated 14.09.2001, if the compliance of conditions, stipulated in the instant project proposal, is awaited for more than 5 (five) years, the In-principle approval would be summarily revoked considering that the User agency is no longer interested in the project proposal.

After fulfilment of the above conditions in completeness, the User agency shall submit the compliance report seeking for final approval under Section 2 of Forest (Conservation) Act, 1980. Diversion of forest land shall not be effected till the final approval is granted by the State Government for the aforesaid project proposal.

Yours faithfully,

(C.S. Rao, IFS)

**Chief Conservator of Forest-cum-Nodal Officer
Forest (Conservation) Act, 1980**

Copy to:-

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| (1) District Collector, West District, Gyalshing | : for information. |
| (2) Conservator of Forests (Territorial) | : ----do---- |
| (3) DFO (T), West Division, Gyalshing | : for information and submission of the Monitoring Report from time to time as prescribed under the Rules/Guidelines. |